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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Inter Patent Application of

CROSSLAND et al

Atty. Ref.: 124-931

Serial No. 10/085,140

Group:

Filed: March 1, 2002

Examiner:

For: ACTIVE SEMICONDUCTOR BACKPLANE

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Assistant Commissioner for Patents
Washington, DC 20231

July 31, 2002

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OFFICE OF PETITIONS

Sir:

PETITION UNDER 37 CFR §1.47(A)

This Petition is responsive to the Notice to File Missing Parts mailed March 21, 2002, the date of response to which has been extended three months up to and including August 21, 2002, in view of the attached three-month extension of time petition.

In response to the Notice of Missing Parts, applicant encloses herewith the missing filing fee, thereby completing the basic filing fee requirements.

Applicant also encloses herewith the signed declaration of co-inventor William Crossland and has diligently attempted to find remaining co-inventor Tat C.B. Yu, who at the time of the invention was a research student working with the co-inventor Professor William A. Crossland.

Pursuant to the provisions of Rule 47(a), applicant encloses herewith:

(1) a Declaration comprising proof of pertinent facts; (2) the petition fee set forth in §17(h) and (3) the last known address of the non-signing co-inventor.

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As set out in the Declaration in Support of the Petition by Philip Davies, a European patent attorney, having knowledge of the facts in this case, Mr. Davies confirms that the inventions disclosed and covered by each of the named patent applications included material from Mr. Tat C.B. Yu, a research student at Cambridge University at the time of the invention (Declaration paragraphs 2 & 3). According to paragraph 5 of the Declaration, Mr. Davies forwarded a letter, along with copies of each of the three PCT applications, to Mr. Yu at Mr. Yu's last known address.

Paragraph five of the Davies Declaration also confirms that, as of the date of signature on the Declaration, Mr. Davies had heard nothing from Mr. Yu and that Mr. Yu's last known address was at the University of Cambridge (as given in paragraph 5). Thus, the Davies Declaration confirms that a "joint inventor . . . cannot be found . . ." (37 CFR §1.47(a)). Thus, the Declaration establishes proof of the pertinent facts, i.e. that Mr. Yu was a co-inventor, that a copy of the PCT application (upon which the present continuation was based) was forwarded to Mr. Yu at his last known address without any response. Thus, the Declaration meets the proof of facts requirement of Rule 47.

The fee set forth in Rule 17(h) for a petition under Rule 47(a) has been included as noted in the cover sheet of this petition, along with a three-month extension of time petition for responding to the Notice to File Missing Parts, thereby satisfying the fee requirements of Rule 47(a).

The last known address of the non-signing co-inventor is set out in paragraph five of the Declaration.

As a result of the above, all three requirements set out in Rule 47(a) are met, thereby confirming that the present application should be continued in prosecution by virtue of the executed Declaration and Assignment from the signing co-inventor, Dr. Crossland.

Having responded to all issues raised in the Notice to File Missing Parts and having satisfied the requirements of Rule 47(a), it is respectfully requested that claims 1-10 be allowed and notice to that effect is respectfully requested. In the event the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of these claims, he is respectfully requested to contact applicants' undersigned representative.

Respectfully submitted,

NIXON & VANDERHYTE P.C.

By: 

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Enclosures:

Declaration of William Crossland
Declaration in Support of Petition by
Philip Davies w/ Exhibits A & B
Preliminary Amendment